

REGIONAL BOARD MEETING

State of California
California Regional Water Quality Control Board
Colorado River Basin Region

STAFF SUMMARY REPORT
January 10, 2019, 9:00 a.m.

ITEM 5

SUBJECT: Proposed Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R7-2019-0001 in the matter of Seeley County Water District (Discharger) for alleged violations of effluent limitations and monitoring and reporting requirements for Waste Discharge Requirements (WDRs) Orders R7-2007-0036, R7-2012-0011, and R7-2017-0016 (NPDES No. CA0105023).

PURPOSE: This proposed Stipulated Order resolves the violations alleged by the imposition of administrative civil liability, as authorized by California Water Code (CWC) sections 13385 and 13385.1, against the Discharger in the amount of \$294,000 in Mandatory Minimum Penalties (MMPs).

BACKGROUND:

The Discharger owns and operates a municipal wastewater treatment plant (WWTP) located at 1898 West Main Street in Seeley, CA. The WWTP has a design capacity of 0.25 million-gallons-per-day (MGD). Effluent from the WWTP is discharged from Discharge Point 001 to the New River.

On September 19, 2007, the Colorado River Basin Water Board (Regional Board) adopted WDRs Order R7-2007-0036 to regulate discharges of treated wastewater from the WWTP. On September 20, 2012 the Regional Board adopted WDRs Order R7-2012-0011. The 2012 WDRs rescinded the 2007 WDRs, except for enforcement purposes. On November 9, 2017, the Regional Board adopted WDRs Order R7-2017-0016. The 2017 WDRs rescinded the 2012 WDRs, except for enforcement purposes.

On December 11, 2017, the Regional Board's Assistant Executive Officer issued Administrative Civil Liability Complaint (ACLC) R7-2017-0040 to the Discharger for effluent limit and reporting violations subject to MMPs that occurred from January 2012 through March 2017. This proposed Stipulated Order extends the period of violations from April 1, 2017 through July 31, 2018, which includes additional effluent limit violations.

CURRENT STATUS:

The Discharger and the Regional Board Prosecution Staff (Parties) have entered into a tentative settlement to resolve the violations in the ACLC, and additional effluent limit violations of WDRs Orders R7-2012-0011 and R7-2017-0016 from April 1, 2017 through July 31, 2018. The Discharger has proposed a Compliance Project, which consists of investigating and identifying the source(s) of copper and cyanide violations, and improving a dump station to include better solids screening,

monitoring, and the addition of an aerated holding tank or modifying an existing pond to control copper and/or cyanide present in the dump station wastes. The implementation schedule for completion of the Compliance Project is January 2024.

PROPOSED CHANGES:

The Parties have agreed that \$294,000 of the total liability will be suspended pending completion of the Compliance Project.

ISSUES:

No issues have been identified.

PUBLIC COMMENTS:

The Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R7-2019-0001 was posted for a 30-day comment period on October 30, 2018. No comments have been received from the public and/or governmental agencies.

RESPONSE TO COMMENTS:

Not applicable.

RECOMMENDATION: Adopt proposed Order R7-2019-0001.